

FILED

SEP 21 2017

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WESTERN DISTRICT OF TEXAS
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**LAWRENCE FAULKENBERRY,
Plaintiff,**

**CAUSE NO.:
A-15-CA-01089-SS**

**-vs-
CALDWELL COUNTY, TEXAS,
SERGEANT DUSTIN YOST, DEPUTY
MICHAEL TAYLOR, DEPUTY
GALEN HOuseton, and CAPTAIN
JESSE HERNANDEZ,
Defendants.**

VERDICT FORM

WE THE JURY UNANIMOUSLY ANSWER THE FOLLOWING:

Read all instructions in the jury charge before completing this form. This form contains six questions, some of which have multiple parts. However, depending on your answers, you may not answer all questions. Please carefully read the instructions on this form. Your verdict must be unanimous.

QUESTION 1

Answer each part "Yes" or "No." Your answer need not be the same for each part.

1(a): Do you find by a preponderance of the evidence the Defendants or any one of them violated Lawrence Faulkenberry's Fourth Amendment right to be free from excessive force by intentionally using unreasonable and excessive force during the course of his arrest?

Answer: Yes

If you answered "Yes" to Question 1(a), please proceed to Question 1(b). If you answered "No" to Question 1(a), move on to Question 5.

1(b): Do you find by a preponderance of the evidence the use of excessive force directly resulted in injury to Lawrence Faulkenberry?

Answer: Yes

If you answered "Yes" to Question 1(b), please proceed to Question 1(c). If you answered "No" to Question 1(b), move on to Question 5.

1(c): Identify the Defendant or Defendants you find have violated Lawrence Faulkenberry's Fourth Amendment right to be free from excessive force:

Answer "Yes" or "No" for each of the following:

Dustin Yost: Yes

Michael Taylor: No

Galen Houseton: NO

Please proceed to Question 2.

QUESTION 2

Answer Question 2 only if you answered “Yes” to Question 1(a) and “Yes” to Question 1(b).

What sum of money, if paid now in cash and as proved by a preponderance of the evidence, would fairly and reasonably compensate Lawrence Faulkenberry for the damages, if any, he experienced as a result of injury caused by any Defendant’s wrongful conduct?

Answer separately, in dollars and cents, for damages, if any.

2(a): Physical pain and/or mental anguish Lawrence Faulkenberry sustained in the past.

Answer: \$ 275,000.00

2(b): Reasonable and necessary medical expenses Lawrence Faulkenberry incurred in the past.

Answer: \$ 74,804.64

2(c): Income Lawrence Faulkenberry has lost in the past as a result of injury caused by any Defendant’s wrongful conduct.

Answer: \$ 55,989.00

2(d): Physical pain and/or mental anguish that, in reasonable probability, Lawrence Faulkenberry will sustain in the future.

Answer: \$ 250,000.00

2(e): Income, discounted to present value, that in reasonable probability Lawrence Faulkenberry will no longer be able to earn in the future as a result of injury caused by any Defendant’s wrongful conduct.

Answer: \$ 250,000.00

If you have awarded compensatory damages in any part of Question 2, please proceed to Question 4. If you have awarded no compensatory damages—in other words, \$0 for 2(a), 2(b), 2(c), 2(d), and 2(e)—move on to Question 3.

QUESTION 3

Is Lawrence Faulkenberry entitled to an award of one dollar in nominal damages for the violation of his Fourth Amendment right to be free from excessive force?

Answer “Yes” or “No.”

Answer: _____

If you answered “Yes” to Question 3, please proceed to Question 4. Otherwise, proceed to Question 5.

QUESTION 4

4(a): Do you find that the harm to Lawrence Faulkenberry resulted from the malice or reckless indifference of any of the individuals listed below?

Answer "Yes" or "No" for each of the following:

Dustin Yost: Yes

Michael Taylor: Yes

Galen Houseton: NO

If you answered "Yes" for any Defendant in Question 4(a), please proceed to Question 4(b). Otherwise, proceed to Question 5.

4(b): What sum of money, if any, if paid now in cash, should be assessed against the individuals listed below and awarded to Lawrence Faulkenberry as punitive damages, if any, for conduct found in response to Question 4(a)?

Answer in dollars and cents, if any, for each individuals listed below for whom you answered "Yes" in response to Question 4(a):

Dustin Yost: \$ 350,000.00

Michael Taylor: \$ 100,000.00

Galen Houseton: —

Please proceed to Question 5.

QUESTION 5

5(a): Was it reasonable for Defendants to conclude Alexander Faulkenberry had authority to consent to the search with respect to all areas searched by Defendants?

Answer "Yes" or "No."

Answer: Yes

5(b): Did Alexander Faulkenberry voluntarily consent to the search?

Answer "Yes" or "No."

Answer: Yes

If you answered "No" to Question 5(a) *or* "No" to Question 5(b), proceed to Question 5(c). Otherwise, answer no further questions.

5(c): Did Dustin Yost, Michael Taylor, and/or Jesse Hernandez violate Lawrence Faulkenberry's Fourth Amendment right to be protected from unreasonable search of his home or property by conducting a search without obtaining voluntary and authorized consent and in the absence of exigent circumstances?

Answer "Yes" or "No" for each of the following:

Dustin Yost: _____

Michael Taylor: _____

Jesse Hernandez: _____

If you answered "Yes" at to any Defendant in Question 5(c), please proceed to Question 6. Otherwise, answer no further questions.

QUESTION 6

Answer Question 6 only if you answered "Yes" to Question 5 as to any Defendant.

Is Lawrence Faulkenberry entitled to an award of one dollar in nominal damages for the violation of his Fourth Amendment right to be protected from unreasonable searches of his home or property?

Answer "Yes" or "No."

Answer: _____

Answer no further questions.

Submitted this the 21st day of September 2017, at 6:40 o'clock p.m.

ORIGINAL SIGNATURE
REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002